

DAVIS COUNTY (UTAH). PROBATE COURT [1789]

DIVORCE CASE FILES, 1875-1886.

2 cu. ft.

Storage is off-site; contact the Utah State Archives to order.

DESCRIPTION: In 1852, the Utah Territorial Legislature provided that the Probate Court should have jurisdiction not only in estate and guardianship matters, but original jurisdiction in civil, criminal, and chancery cases. In 1874, the federal Poland Act revoked the jurisdiction of the Probate Court over all but divorce and probate cases. This series includes those cases handled by the Probate Court which are divorce cases. In 1887, the federal Edmunds-Tucker act revoked Probate Court jurisdiction in divorce cases.

Generally, case files include a number of discrete documents. These documents may include an initiating petition, summons and subpoenas issued to the parties in the case and to witnesses, bonds, exhibits, statements of fees, and other documents created and filed with the Court during the process of the trial action. Civil cases may include affidavits of publication of summons in those cases where the defendant was not served personally, as well as decrees detailing the disposition of the case.

Prior to 1878, Utah Territory had one of the most liberal divorce laws in the United States and did not require residency in order to obtain a divorce within the territory. A simple statement that the married couple could not live in peace and union together was sufficient grounds for the granting of a divorce decree. As such, once the establishment of the railroad system provided regular access to the territory in 1869, the Probate Court handled many divorces for persons who could not meet the stricter laws regarding the granting of divorces in their home states. In 1878, the territorial Legislature changed the law to require residency, thereby decreasing significantly the number of divorces handled by the Probate Court.

ARRANGEMENT: This series is arranged primarily numerically by case number, with case numbers assigned roughly in chronological order based on the filing date of the complaint.

The assignment of case numbers makes it appear as if the court did not begin assigning case numbers until 1877 when the court case load increased substantially. At that point, the court started assigning case numbers at #25, perhaps to allow for earlier cases handled by the court to be assigned earlier case numbers as those cases reappeared in the court's holdings. The case numbers are consistent until case number 193, at which point the case numbers jump to 250, but this may not reflect a gap in the cases as no case numbers between 193 and 250 appear in the dockets either. There are some cases which were not assigned case numbers and these can be found at the end of the series: these are arranged in chronological order by filing date.

RELATED RECORDS: Series 4731, DIVORCE REGISTERS OF ACTIONS, consists of a listing of the individual documents filed in each case file and the dates on which those documents were filed. This series may also include records regarding divorces that have not survived in the case files series. Series 23694, DIVORCE MINUTE BOOK, documents the day-to-day activities of the court in handling these case files. Additional information on divorces can be found mixed with other civil, criminal, and probate activities of the court in the MINUTE BOOKS, series 25012 (1854-1872) and with the RECORD BOOKS, series 25004 (1853-1896).

PROCESSING NOTE: This series was processed by Arlene Schmuland in June 2001. The documents will be filmed for ease of research use, and hard copy will be maintained because of the intrinsic value of the records.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

GAPS: There are no case files for the numbers 1-24 and 194-249. These numbers may never have been assigned to actual case files. A few of the case files within the cases numbered 25-193 have not survived.

CONTAINER LIST

Reel	Box	Folder	Description
pending	1	1	25; Mar 1875
pending	1	2	26; Nov 1875
pending	1	3	27; Feb 1877
pending	1	4	28; Feb 1877
pending	1	5	29; Feb 1877
pending	1	6	30; Feb 1877
pending	1	7	31; Feb 1877
pending	1	8	32; Feb 1877
pending	1	9	33; Feb 1877

Reel	Box	Folder	Description
pending	1	10	34; Feb 1877
pending	1	11	35; Feb 1877
pending	1	12	36; Feb 1877
pending	1	13	37; Feb 1877
pending	1	14	38; Feb 1877
pending	1	15	39; Mar 1877
pending	1	16	40; Mar 1877
pending	1	17	41; Mar 1877
pending	1	18	42; Mar 1877
pending	1	19	43; Mar 1877
pending	1	20	44; Mar 1877
pending	1	21	45; Mar 1877
pending	1	22	46; Mar 1877
pending	1	23	47; Mar 1877
pending	1	24	48; Mar 1877
pending	1	25	49; Mar 1877
pending	1	26	50; Mar 1877
pending	1	27	51; Mar 1877
pending	1	28	52; Mar 1877
pending	1	29	53; Mar 1877
pending	1	30	54; Mar 1877
pending	1	31	55; Mar 1877
pending	1	32	56; Mar 1877
pending	1	33	57; Mar 1877
pending	1	34	58; Mar 1877
pending	1	35	59; Mar 1877
pending	1	36	60; Mar 1877
pending	1	37	61; Mar 1877
pending	1	38	62; Mar 1877
pending	1	39	63; Mar 1877
pending	1	40	64; Mar 1877
pending	1	41	65; Mar 1877
pending	1	42	66; Mar 1877
pending	1	43	67; Mar 1877
pending	1	44	68; Mar 1877
pending	1	45	69; Mar 1877
pending	1	46	70; Mar 1877
pending	1	47	71; Mar 1877
pending	1	48	72; Mar 1877
pending	1	49	73; Mar 1877
pending	1	50	74; Mar 1877
pending	1	51	75; Mar 1877
pending	1	52	76; Mar 1877
pending	1	53	77; Mar 1877
pending	1	54	78; Mar 1877
pending	1	55	79; Mar 1877
pending	1	56	80; Mar 1877
pending	1	57	82; Apr 1877

Reel	Box	Folder	Description
pending	1	58	83; Apr 1877
pending	1	59	84; Apr 1877
pending	1	60	85; Apr 1877
pending	1	61	86; Apr 1877
pending	1	62	87; Apr 1877
pending	1	63	88; Apr 1877
pending	1	64	89; Apr 1877
pending	1	65	90; Apr 1877
pending	1	66	91; Apr 1877
pending	1	67	92; Apr 1877
pending	1	68	93; Apr 1877
pending	1	69	94; Apr 1877
pending	1	70	95; Apr 1877
pending	1	71	96; Apr 1877
pending	1	72	97; Apr 1877
pending	1	73	98; Apr 1877
pending	1	74	99; Apr 1877
pending	1	75	100; Apr 1877
pending	1	76	101; Apr 1877
pending	1	77	102; May 1877
pending	1	78	103; May 1877
pending	1	79	104; May 1877
pending	1	80	105; May 1877
pending	1	81	106; May 1877
pending	1	82	107; May 1877
pending	1	83	108; Jun 1877
pending	1	84	109; Jun 1877
pending	1	85	110; Jun 1877
pending	1	86	111; Jun 1877
pending	1	87	112; Jun 1877
pending	1	88	113; Jun 1877
pending	1	89	114; Jun 1877
pending	1	90	115; Jun 1877
pending	1	91	116; Jun 1877
pending	1	92	117; Jun 1877
pending	1	93	118; Jun 1877
pending	1	94	119; Jun 1877
pending	1	95	120; Jun 1877
pending	1	96	121; Jun 1877
pending	1	97	122; Jun 1877
pending	1	98	123; Jun 1877
pending	1	99	124; Jun 1877
pending	1	100	125; Jun 1877
pending	1	101	126; Jun 1877
pending	1	102	127; Jun 1877
pending	1	103	128; Jun 1877
pending	1	104	129; Jun 1877
pending	1	105	130; Jun 1877

Reel	Box	Folder	Description
pending	1	106	131; Jul 1877
pending	1	107	132; Jul 1877
pending	1	108	133; Jul 1877
pending	1	109	134; Jul 1877
pending	1	110	135; Jul 1877
pending	1	111	136; Jul 1877
pending	1	112	137; Jul 1877
pending	1	113	138; Jul 1877
pending	1	114	139; Jul 1877
pending	1	115	140; Jul 1877
pending	2	1	141; Jul 1877
pending	2	2	142; Jul 1877
pending	2	3	143; Jul 1877
pending	2	4	144; Jul 1877
pending	2	5	145; Jul 1877
pending	2	6	146; Aug 1877
pending	2	7	147; Aug 1877
pending	2	8	148; Aug 1877
pending	2	9	150; Aug 1877
pending	2	10	151; Aug 1877
pending	2	11	152; Aug 1877
pending	2	12	153; Aug 1877
pending	2	13	154; Aug 1877
pending	2	14	155; Aug 1877
pending	2	15	156; Aug 1877
pending	2	16	157; Aug 1877
pending	2	17	158; Aug 1877
pending	2	18	159; Aug 1877
pending	2	19	160; Aug 1877
pending	2	20	161; Aug 1877
pending	2	21	162; Aug 1877
pending	2	22	163; Aug 1877
pending	2	23	164; Aug 1877
pending	2	24	165; Aug 1877
pending	2	25	166; Aug 1877
pending	2	26	167; Aug 1877
pending	2	27	168; Aug 1877
pending	2	28	169; Aug 1877
pending	2	29	170; Aug 1877
pending	2	30	173; Aug 1877
pending	2	31	175; Sep 1877
pending	2	32	177; Sep 1877
pending	2	33	178; Sep 1877
pending	2	34	182; Sep 1877
pending	2	35	183; Sep 1877
pending	2	36	184; Sep 1877
pending	2	37	185; Sep 1877
pending	2	38	186; Sep 1877

Reel	Box	Folder	Description
pending	2	39	187; Sep 1877
pending	2	40	188; Sep 1877
pending	2	41	189; Oct 1877
pending	2	42	190; Oct 1877
pending	2	43	191; Oct 1877
pending	2	44	192; Dec 1877
pending	2	45	193; Sep 1880
pending	2	46	250; Feb 1884
pending	2	47	251; May 1884
pending	2	48	n/a; Dec 1877
pending	2	49	n/a; May 1881
pending	2	50	n/a; Oct 1881
pending	2	51	n/a; Dec 1881
pending	2	52	n/a; Mar 1882
pending	2	53	n/a; Aug 1882
pending	2	54	n/a; Nov 1882
pending	2	55	n/a; Feb 1883
pending	2	56	n/a; Apr 1883
pending	2	57	n/a; n.d. 1884
pending	2	58	n/a; Jun 1884
pending	2	59	n/a; Jul 1884
pending	2	60	n/a; Sep 1885
pending	2	61	n/a; Nov 1885
pending	2	62	n/a; Oct 1886
pending	2	63	n/a; Oct 1886